

Response

Applicants, through their attorney, respectfully request the Examiner to consider the application in view of the included amendments and remarks. Entry of these remarks after final rejection, and consideration of this response, is requested because it is believed to put the claims in condition for allowance or, alternatively, to simplify issues for possible appeal.

Support

Applicants have amended claim 1 to specify that the functional fluid of the present invention is selected from the group consisting of transmission fluids, hydraulic fluids, transformer fluids, fuels, diesel, gasoline, biofuels, and mixtures thereof. Support for this amendment is found on page 6, lines 3-8 of the specification.

Applicants have cancelled claim 22.

Applicants have added new claims 23 and 24. Claim 23 specifies a method identical to claim 1 except that the functional fluids include engine oils, greases, gear oils and transmission fluids, while the indicator is selected from a list of specific indicators. Support for this claim is found in claim 9, as well as on page 10, lines 17-25 and page 11, lines 11-15 of the specification. Claim 24 specifies the indicators of the present invention consist of methylene blue, alizarin, or combinations thereof. Support for this claim is found in the passages of the specification reference above.

No other elements of the claims have been changed.

Remarks

The Examiner rejected claims 1-14 under 35 U.S.C. 102(b) as being anticipated by Becket (US 5,710,372). Applicants respectfully disagree.

Applicants continue to disagree that the teachings of Becket, directed toward aqueous machining fluids, can be applied to the clearly organic functional fluids of the present invention. However, Applicants acknowledge that the Examiner has not been persuaded by Applicants arguments. In the interest of advancing this case, Applicants have made the amendments described above.

The Examiner states, at the top of page 3 of the current office action, that the machining fluids of Becket have been read on the claimed engine oil, greases, gear oils and

farm tractor fluids. The Examiner did not list transmission fluids, hydraulic fluids, transformer fluids, fuels, diesel, gasoline, and biofuels, which are also listed in the claims. Therefore, the Examiner has indicated that Becket does not read on these fluid types. Applicants have amended claim 1 to specify only this list of fluid types, leaving the engine oil, greases, gear oils and farm tractor fluids, that the Examiner finds in Becket, off of the claimed list.

Applicants respectfully submit that the present claims specify functional fluids which the Examiner has indicated are not read on by Becket. Therefore the present claims are novel over Becket and the rejection should be removed.

The Examiner rejected claim 22 under 103(a) as obvious over Becket in view of either Pickup (US 3580704) or Mliner (US 4654309). Applicants have cancelled this claim making the rejection moot.

Applicants have added new claims 23 and 24. These new claims include the functional fluids the Examiner has indicated are read on by the aqueous machining fluids of Becket. However, claim 23 specifies that its indicator is selected from a list consisting of redox indicators and alizarin. Claim 24 further specifies that the indicator used in the claims methods is methylene blue, alizarin, or a combination thereof.

Applicants respectfully submit that not Becket, nor Pickup, nor Mliner teach any of the specified indicators of the present invention. Therefore the new claims should be found to be both novel and nonobvious over the references.

Applicants note that Becket teaches a reagent and a color indicator (see the Abstract of Becket). Becket provides more details of its reagents in column 9, lines 1-25 of the reference, but none of the indicators of claim 23 are included in Becket. In addition, Becket's color indicator is described in greater detail in column 10, lines 8-23 of the reference. None of these color indicators are included in the redox indicators of the present invention. Pickup and Mliner use acid/base indicators such as bromophenol blue and m-cresol purple, which are not a redox indicator (see col 3, line 12 to col 4, line 8 of Pickup and col 5 lines 5-11 of). Furthermore, none of the indicators of claim 23 are included in either Pickup or Mliner. Therefore, Applicants respectfully submit that the new claims are both novel and nonobvious over the references.

Conclusion

For the foregoing reasons it is submitted that the present claims are novel and unobvious over the cited reference, and in condition for allowance. The foregoing remarks are believed to be a full and complete response to the outstanding office action. Therefore an early and favorable reconsideration is respectfully requested. If the Examiner believes that only minor issues remain to be resolved, a telephone call to the Undersigned is suggested.

Any required fees or any deficiency or overpayment in fees should be charged or credited to deposit account 12-2275 (The Lubrizol Corporation).

Respectfully submitted,
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